G. R. S. IX-5]

Previous references.

File No. 8-15

39,40

1917.

Serial Nos. 37, 38, 56, 58, 59

(L. B.)

Later references.

Lp 9-15 (Ltr)

Lp 17-17 (15, 20, 23 24, 26-28, 30, 33)

Present

GENERAL AND REVENUE SECRETARIAT.

39,40

Serial Nos. 37, 38, 56, 58, 59

Part B for Feb 17

SUBJECT.

Petitions Hassan Dist.

Disposal of Estate files near Mr Adamson's Coronation Hall.

No 7977 D/ 20.6.17 Collr D.C. Hassan

Pos for disposal

Ys 10.17

13

W D 88—GPB—50,000—24-7

G. R. S. 11] 1915-16

GENERAL AND REVENUE SECRETARIAT.

(L.B.)

NOTES.

File No. 8-15

FILE HEADING.

Petitions. Hassan District.

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

(2

Camp Hassan
15th April 1916

To C Venkat Rao Esq/
Offg Dy/Sr Hassan

My dear Sir

I am desired by the Dewan to send herewith for your perusal an obliging return a telegram addressed to him by Mr. Hariannaiah Reader Hassan in the matter of the Disposal of land bearing Survey No 91 of Holenarsipur

The Dewan will be glad to be furnished before the

Deputy Commissioner,
HASSAN DISTRICT.

Hassan.
19/4 1916

2

Dear Hirejanna,

As desired in your
D.O. letter No 7 237 15.4.16 I return
herewith the telegram by Mr Hirejanna
please note a note on the file
of the case

Yours sincerely
Venkata

C.

INDIAN TELEGRAPHS.

154

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay.	
Rs.	As.

Office Stamp.

ARSIKERE

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.
Arsikere	14	11	55		GOLD

TO

Recd. here at 14 H. 12 M.

Regret [illegible] M.F. cannot [illegible]
[illegible] number 89 on Holenarsipur
[illegible] communication [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] of 1903 [illegible] [illegible]
[illegible] [illegible] 89 and

The name of the Sender, if telegraphed, is written after the text.

Gulab Singh & Sons, Calcutta—No. 108 Tel.—1-9-15—50,000 Bks.

C.

INDIAN TELEGRAPHS.

NOTICE.

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Rs.	As.

Office Stamp.

ARSIKERE
14 APR 16

Handed in at (Office of Origin).	*Date.*	*Hour.*	*Minute.*	*Service Instructions.*	*Words.*

TO

Recd. here at *H.* *M.*

mena and number 91 chargeable
at fortnightly by mean carriageway
from Bangalore and Kolar further
Kolar to Arsikere and Bangalore further
east orchard giving out municipal
resolution giving the area
site approved by district board

The name of the Sender, if telegraphed, is written after the text.

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C.

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NOTICE.

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Rs.	As.

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ARSIKERE
14 APR 19

Handed in at (Office of Origin).	*Date.*	*Hour.*	*Minute.*	*Service Instructions.*	*Words.*

TO

Recd. here at *H.* *M.*

Recently 1913 per deed executed and
said abegrave were mentioning me
subscribed subsequent purchaser
of 91 and myself pertained purchase
premises two clearing deposit
Commissioner but Executors order
to our pay Nafudeen reserved sigh
to deposit commissioner to seal
reserve Rupee 9 Cement deposit former
order of 24 January 1916.

The name of the Sender, if telegraphed, is written after the text.

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Rs.	As.

Office Stamp.

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

Reason given by me herewith no proceeding to be opened this since hope obtaining which equal 91 should be given to them meaning the land this under experience mentioned to me now previous facts discussed with persons proceeding completely ignored on their present order subsequent date no appeal the department formalities this receipt given them Hindus accepting this case

The name of the Sender, if telegraphed, is written after the text.

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C.

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orm must accompany any inquiry made respecting this Telegram

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Rs.	As.

Office Stamp.

ARSIKERE 14

Handed in at (Office of Origin).	*Date.*	*Hour.*	*Minute.*	*Service Instructions.*	*At Words.*

TO

Recd. here at H. M.

number 91 last some intelligence
not known not sub-bearer manifew
resident physically debarred
there myself receiving address con-
constituted friendly and reading
has been raised during help-
and observing in pleasures
I explained telephonic communication
with native relations on 10 minutes

The name of the Sender, if telegraphed, is written after the text.

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C.

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Rs.	As.

Office Stamp. ARSIKERE 14 APR 16

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

and it is seen during our previous history observed measurements

frequency 2 to 3 miles hill + first simple explosion on mechanical when considering no temperature my air measurements this number 90 has separate scale and no 5 q will be taken for municipal matters will be found in mine and chief application host petitions [illegible]

The name of the Sender, if telegraphed, is written after the text.

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L.

INDIAN TELEGRAPHS.

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Rs.	As.

Office Stamp: ARSIWERE 14 APR 16

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

municipal president for disposal
during last council assistant
had the power he already used
orders He was powerless to
interfere with deputy commissioners
orders this was explained by urged
in my review explained orders passed
appeal and told me in correct one
12 months he shall not interfere

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NOTICE.

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Charges to pay.	
Rs.	As.

Office Stamp. 14 APR 16

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

yesterday again I returned
deputy Commissioners orders
passed today two applied by
wire that builders hurriedly
progressing work damaging
my land deputy Commissioner
delaying passing interim stay
order humbly pray assistance deputy
Commissioner issuing stay order

The name of the Sender, if telegraphed, is written after the text.

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INDIAN TELEGRAPHS.

NOTICE.

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Charges to pay.	
Rs.	As.

Office Stamp: ARSIKERE 14 APR 16

Handed in at (Office of Origin).	Date.	Hour.	Minute.	Service Instructions.	Words.

TO

Recd. here at H. M.

14 10

such hearing entire records and my petitions ready as required on 19th for personal inspection and disposal in my presence

Yours faithfully
Pleader
Hassan

The name of the Sender, if telegraphed, is written after the text.

Gulab Singh & Sons, Calcutta—No. 108 Tel.—1-9-15—50,000 Bks.

(4.

MEMO.

3) As the surroundings of the King George Coronation Hall, which was built by the people at a cost of several thousands of rupees, were very squalid in appearance, the Municipal Council of Hole-Narsipur Town resolved that the vacant land to the east of the building over the way should be given out for the construction of - shops on condition that their architecture was in keeping with that of the Town Hall. Accordingly a plan was prepared and on the 10th August 1913, the Municipal Council resolved that the land should be divided into plots measuring 21 by 12 feet and disposed of at the upset price of Re. 1/- per square yard; that the purchasers should build the shops within six - months from the date of the disposal of the sites; that Mr. Hiriyannaiya may be given, as a special case, three sites to be chosen by him abutting his survey No. 89 on condition he constructed a building in a line with Mr. Subba Rao's house and that the frontage matched the neighbouring shops; that if he built a bungalow in survey No. 89 he should be given only one - site for passage; that Mr. Hiriyannaiya should create the building - within six months failing which he should be prepared to forfeit the -

(5

the purchase money and hand back the sites to the Municipality; that - should Mr. Hiriyannaiya fail to obtain permission of the Deputy Commissioner to build a bungalow on survey No. 89 he should not be given any site or sites and that the Municipal Council was at liberty to dispose of the sites as it liked.

4) 2. Mr. Hiriyannaiya did not obtain sanction of the Deputy Commissioner to build a bungalow within the stipulated period of six months. The Municipal Council then seemed to have changed their minds with regard to the concession which they proposed to give to him and resolved on the - 10th October 1914 that " the sites should be disposed of on the principle that only one site should be given to one family." In the meanwhile on the 13th December 1913, the District Board pointed out to the Municipal Council that the land in question did not belong to the Municipality and that its disposal rested - solely with the District Board to whom it belonged. The Board however accepted the upset price of Re. 1/- per square yard fixed by the Municipal Council and directed that the sale proceeds should be credited to the District Funds.

5) 3. As the Municipal Council had

had no manner of right for the land, any promises held out or concessions supposed to be given by that Body were not binding upon the Deputy Commissioner.

4. On 16th December 1914 the then Deputy Commissioner (Mr. Wetherall) disposed of the sites to six applicants on certain conditions. The present Deputy Commissioner (Mr. C. Venkata Rao) inspected the spot on 20th January 1916 and directed that the persons named by Mr. Wetherall should be given charge of the sites immediately. He however directed that the reserve at at the junction of the roads should not be built upon as, after the opening of the Railway, the traffic at that point will be heavy.

5. Messrs. Subba Rao and Hiriyannaiya, Pleaders having complained to the President, Hole-Narsipur Municipality that Municipal sites had been disposed of by the Deputy Commissioner, he sent for the records and passed an order on 28th March 1916, holding that the sites in question did not belong to the Municipality and that the Deputy Commissioner had disposed of the sites as President of the District Board to which they belonged in accordance with the resolution already passed by that Body. It may be mentioned here that the land in question being

being a road reserve of the Hassan-Yelwal road, forms under rule 42 of the Rules framed under the Local - Boards Regulation an integral part of the road. Mr. Hiriyannaiya further contends that the way to survey No. 89 will be closed by the shops now under construction; this is far from being the case as the road reserve at the junction of the Hassan - Yelwal and Hole-Narsipur - Arkalgud road which abuts his land will remain unbuilt upon. The 3rd contention of Mr. Hiriyannaiya that the road has no reserve is equally untenable, he himself having in his petition dated 24th July 1913 applied for permission to build upon the road-reserve in question. As to the dimension of the sites now disposed of, it may be stated that the fields and the road were measured and their areas ascertained by a measurer of the Survey Department before the road-reserve was disposed of. Mr. Hiriyannaiya's next contention that three sites should be given to him is clearly untenable, the Deputy Commissioner not being bound by the resolutions of the Municipal Council which that Body itself has modified if not actually annulled.

6. The Deputy Commissioner having passed a final order after a careful consideration of the claims of all

(8

all persons and on personal inspection of the spot, he was not bound under rule 16 of the Petition Rules to take notice of the subsequent petitions of Mr. Hiriyannaiya. They were accordingly sent to the Sub Division Officer, Chennaroyapatna, for disposal i.e., for being filed.

99

7. It is learnt that the quarters for the Munsiff are proposed to be built on survey No. 89.

19.4.16

R.D. ons 2873-15/10

Note.

10) Petitions dated 15th April and 22nd April 1916 from Mr. M.S. Hiriyanniah, First Grade Pleader, Hassan, complaining about the orders of the Deputy Commissioner, Hassan, as President of the District Board and the Deputy Commissioner's memo dated 19th April 1916 given to me at Hassan.

11) Forwarded to the First Member with compliments.

12) The records may be obtained and the case disposed of on its merits. The papers may be shown to me before issue of final orders.

75
18.5.16

17.5.16

13) A report may be called for from the D.C. when the Rev. Com. calls records

19.5.

put 19/5/16

19/5-16

14) Send d. with drafts,

KP(10) 22/5

23/5

30/5-16

To. D.C. Hassan. no. 8801 dt 2.6.16. Dd. Requiring to call for a report with records.

To the Rev. Com. no. 8801 dt 2.6.16. Dd. Copy. Send. to the Petr. no. 8802 dt 2.6.16. Intimating the action taken.

(11

F. R. S. 12]

General and Revenue Secretariat.

GS. File No. 8 of 1915.

Serial No.	
36	From the Rev. Comr. no. C. 1853 dt 22.11.16. Forwards the records & ~~Connected papers~~ the report from the Deputy Comr., Hassan re petn of M. M.S. Hircanniah in the matter of disposal of S.N. 91 of Hole Narsipur:-
	1st) As the Rev. Comr has simply transmitted the records without his opinion, draft Calling for the same is subd for approval.
	Kg (30) 7/12/16 (B) 4/12
	1b) The order does not require the opinion of the Rev: Comr.
	Please put up an abstract of the Dept Comr's report & refer them D. M. 5.12.16
	Further petn dt 1.12.16 from Mr. Hircanniah praying for a personal hearing in his case.
	1) Subd (with refce to Asst Secy's order dt 5.12.16)
	no separate report has been received from the Deputy Comr except a copy of the memo in the subject drawn by the Rev Dy. Deputy Comr Mr. C. Venkata Rao
	1st) The memo itself explains gives a brief history of the case & the necessary papers Connected ~~not available~~ in the records are also have been referenced
	Kg (30) 7/12/16 (B) 8/12 1q) Subd for order. D. M. 11.12.16

NOTE—Contn. sheet. Recd 9.12.16 Rev: Secretary)

(12

17465

G. R. S. 12]

General and Revenue Secretariat. | L/B. File No. 8 of 1915

Serial No.

20) L/Comptroller to Dewan

The Peta mayor informed that H.E.H.'s Govt. see no reason to interfere with the Bench's decision

Ltr. n. 4/1/17 G/C

D. M. 12.12.16

3461/1
13.12.16

21) The Dewan directs that the file may be sent up to the Second member in the first instance as required by him in his note dated 17th May 1916

SOR 1/1/17

To Revenue (2nd member)

26/5-1-17 HB 2/1/17

HB 2.1.17

HB 2/1-17

22)

(a) Is this a reg.d municipality

(b) Has Advt roads & road maps vested in it.

(c) Who has the road maps kept properly?

(d) When the Govt & the Municipality are in conflict the matter should have been sent up to Govt. And the Govt required in the Govt roads sale proceeds - Govt

G. R. S. 12]

1748 (13

General and Revenue Secretariat. | dn. File No. 8 of 1915

Serial No.	
(a)	What about the notif ref to Ker
(b)	Place post for hearing forthwith - and answer queries in the meantime after looking up all records.
To P. A. I/c 2nd member for note	58 Instt. no. 4727 dt 24-1-17 of Narayanaraj, Pleader, Hassan. Informs him that the hearing of his appeal is posted for Friday the 2nd Feb 1917.
	Send
	23) Case posted for 2nd Feby.

Regarding queries in paragraph 22.

(a) Hole-Narasipur is a regulation Municipality

(b) & (c) Under Section 7 of the Local Boards Regulation the road is vested in the District Board of Hassan who are maintaining it. As regards the road margin there are no specific orders. The road margin may be assumed to be also vested in the District Board unless private individuals have any right thereto. Please see also section 20 (2) of the Local Boards Regulation and Government Order No. 3145-95/L.B.28-10-9 dated 1-9-1913.

(d) The road-margin being reserved land should not have been sold and appropriated for

NOTE—Contn. sheet.

1673
1266
14
ND 1233—GPI—60,000—1-12-16—S.

building purposes without the sanction of Government as required by section 6 of the Local Boards Regulation and Rule 11(B)(iv) of the Land Revenue Rules. Neither the District Board nor the Municipal Council appear to be entitled to the sale proceeds of the land as the mere vesting ~~thereof~~ of the land in connection with the roadway does in no way convey to them any proprietory right, to the land. Please see note 3 on page 172 of Narayana Rao's Local Fund Manual. The records do not show that the resolution of the District Board was placed before the Municipal Council.

p. 222

(e) Please see paper flagged U. The road margin to be reserved near garden lands is stated to be 10 feet in the notification. A strip of land 21 feet in breadth has now been sold. The breadth of the road margin and the actual boundary of the petitioners land will have to be determined with reference to the Survey records and compensation paid to the petitioner for the portion, if any, of the land in his holding that has bee included in the sites already formed and dis posed of by formally acquiring the same.

Rev. Secy.)

26/1-17.

xp

1728

15

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | RB File No. 8 of 1915-16

Serial No.	
3/3 27-1-17	(24) 2nd member) Sec hm 26.1.17. Putup on the 2nd Feb 4 HB 26/1-17 7.1
	(25) The petitioner Mr Hariyamaiyya was heard by the 2nd member yesterday between 2-30 and 3 PM
	(26) The second member was pleased to direct me to note on the points urged by the petitioner
	(27) The following note is accordingly Submitted
	KP 3-2-17
5 Jan	3/2

P.T.O.

WD 1233—GPB—60,000—1-12-16—S.

N

G. R. S. III-

General and Revenue Secretariat. | LB File No. 8 of 191 S. 16

Serial No. (28)

Mr Hiriyannayya Contended

(1) That the President's order

P dated 24th Jany 1916 is in Contravention

of the original proposals approved of by

H his predecessor in office Mr Wetherall

(2) That he has been deprived of a portion of his land as the same forms part of the shop sites now given to certain applicants in pursuance of the said order though his prior applications to build shops thereon was not finally disposed of.

(29) In support of (1) the petnr stated that originally the road margin abutting Survey no 91 was demarcated into six shop site which were sold to certain applicants and that his applin to build shops in the road margin abutting his land (Survey no 89) was ordered to be held in abeyance but now the original purchasers have been put in possession of sites in his land & the road margin abutting it in lieu of those originally sold

D B in the Sketch (Page 9 of the notes)

A D in the Sketch (Page 9 of the notes)

(30) That the reports of the Amildars on the following dates viz 10-2-1914, 30-6-14 and 10-11-15 and the Asst Comrs recommendation

Maps A. B

Z

Q

dy 26-8-14 and the Dy Comrs order dy 16-12-14

NOTE—Contn. sheet.

Maps H

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. LB File No. 8 of 191 S-16

Serial No.

Shows that no definite orders were
on the application of Mr. Hiriyannayya
H The Spirit of the Dy Comrs ordered 16-7-1914
Shows that the sites marked out in the
D B in the Sketch road margin abutting survey no 91 had to
be disposed of pending the disposal of
Mr Hiriyannaiyya's case separately
P (31) The President has however decided
that the land abutting survey no 91 should
be reserved ~~and the~~ for widening the road
to meet future requirements and that the
original purchasers be given sites in the area
marked by him i.e the road Reserve abutting survey no 89. Mr Hiriyanna
in Sketch Flag R
can have no claim to the road reserve and
can not complain of the change ~~effected by the~~
so long as the enjoyment of his land is undisturbed
7 D in the Sketch One provision for a way to his garden from
the road side is reported to have been ma
(32) Next as regards (2) the petn urged
that according to the notn dt 19th July 1882
the road margin is only 10 ft and land
beyond this margin belongs to him He
further urged that there was no data to
ascertain the actual ~~margin~~ extent of his land as the
boundary stones are stated not to be in
Presented in person existence in the plain lists (Annual
by Mr Hiriyannayya inspection reports of ~~lands~~) for the years 1910-11
during the hearing 1913-14 and 1914-15

NOTE—Contn. sheet

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | L/5 File No. 8 of 1915-16

Serial No.

He further urged that the road margin was stated to be 18ft, 21ft & 24ft at different times by the local authorities and thus there was no data for the measurer to fix the extent of the petitioners garden and the road reserve- In the absence of other data the prescribed margin of 10 ft mentioned in the notn dated 19th July/88 was conclusive proof of the limit especially as the survey of Hole Narasipura was conducted about 1883-4 i.e one or two years after the notn was issued.

The petnr in his petn dated 11-10-13 stated that the Road Reserve which is Govt land is about 20ft. Hence his contention that is only 10 ft is evidently an after thought, which is not in accordance with the actual facts-

(33) It is submitted that the margin of 10 ft is only with reference to the uncultivated land but in the case of cultivated land, the then existing garden edge should form the boundary. Moreover 10ft is the minimum distance that had to be reserved as road margin if the boundary of the garden chanced to fall within that limit. If a govt waste of larger breadth should intervene between the road & the garden it is not binding that the road margin should be limited to 10ft. The actual extent of land to which the petnr is entitled can alone be determined with reference to the actual boundaries fixed at the time of survey irrespective of the road margin prescribed

(34) The Dy Commr reports that as to the

NOTE—Contn. sheet.

Serial No.

dimensions of the sites now disposed of it may be stated that the fields and the road were measured and their areas ascertained by a measurer of the Survey Deptt before the road reserve was disposed of". In the absence of proof to the contrary, the measurements taken have to be assumed as correct and there is no evidence to show that the ~~petitioner's~~ petitioners land has been encroached upon. The petitioner can have no cause for complaint if he is in enjoyment of one acre and 26 guntas of land recorded in survey accounts, exclusive of the land now given away for shops. If the petitioner finds that the land in his possession is less than the said area, he has to apply to the authorities concerned to allow him the full area or to be reimbursed for the land taken away from him.

(35) As regards the procedure following in the case it is submitted that previous sanction of Govt appears necessary for reasons given in para 23(d) above

161
6.2.17

K.D. 2.2.17 B 2 Rev. Secy. 2nd member 5/2-17 5/2

General and Revenue Secretariat. | LB File No. 8 of 1915-16

Serial No.

(36) The procedure followed in this case is admitted to be correct.

(37) 2. The M.C. had no authority to sell materials to any agency other than the Govt. - such dealings being illegal.

(38) 3. The D.L.R. had no right to step in and claim the sale proceeds of these materials under the Govt. Rules.

(39) 4. The road metal which had been collected under the Canal Authorities - by the Canal Staff at the disposal of Govt.

(40) 5. Give the facts by means of the recent Canal Circular - make the M.C. submit proposals for disposal of the latter - after obtaining interim report. Complaint - The matter has been dealt with - only by Govt. in this case.

(41) 6. Instructions should be issued with regard to any building in the Canal area by Municipalities

(Sd.) Illegible
9

NOTE—Contn. sheet.

1673/1716 (21

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | L B File No. 8 of 1915-16

Serial No.

(42) Draft- put up for approval or otherwise
Instructions are solicited whether
an endorsement has to be sent to
the petitioner and if so on what lines
RP The file has to be submitted to the
12/2/17 Dewan before issue of orders as
per his note dated 17th May 1916.
(para 2 ...
18/2

~~The Despatch Dept~~

(43) If appd the petr may also
be informed that the entire proceedings
have been referred back to the
Govt. for reconsideration thereof
by the Jud. Council

RP
14/2-17

Ref. Seq.)

(44) Draft order for approval

47 45 Yes.
Letter ref as 15th 17-2-17 2nd Member & Dewan* RP
order at page 12 16-2-17

RP
16/2-17

4812
19.2.17

46 The draft order
may issue -
16.6.17 RO

= Issue -
RP
15-6-17

NOTE—Contn. sheet

(22

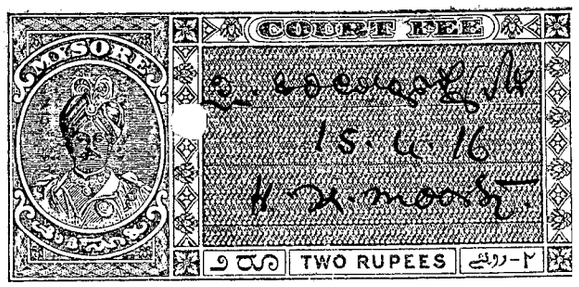
WD 1233—GPB—60,000—1-12-16—S.

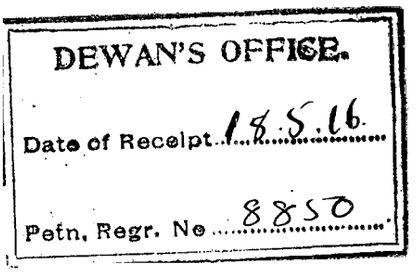
G. R. S. III-2]

General and Revenue Secretariat.

File No. 8 of 1915

Serial No.	
59	D. D. C. Stanton no. 7977 d. 20.6.07. Cancels for reasons given the sale of the Site of ? & requests the Dy Comr to obtain fresh proposals from the Municipal Cd after the disposal of the Site after taking into account the Petrs' Complaints, &c. (2)





Before Sir M.Visvesvaraya Esquire,B.A,B.C.E,K.C.I.E.,
Dewan of Mysore.

102

LB 8-15-37

Petitioner,

M.S.Hirinniah,
First Grade Pleader,
Hassan.

The petitioner above named most humbly and respectfully begs to submit :

That survey No.89 & 90 situated at Hole--Narsipur,near the Coronation Hall belonged to one Mir Kasim Ali Sab,of which he sold 8 Guntas to Pleaders Messrs. Garuda Char and Subba Rao more than 20 years ago,and mortgaged the rest to one Sowcar Viakuntiah who obtained a decree,purchased the said properties and obtained delivery thereof through the Civil Court.

2. That the western boundary of the said survey No.89 is described as High Road,in the sale certificate dated 28-1-1903,already submitted tothe Deputy Commis--sioner,negativing the existence of any road reserve land as alleged.

3. That the said lands were sold to petitioner for Rs. 950/- in May 1910,by the said Vykuntaiya under a registered sale deed which is also produced before the Deputy Commissioner.

4. That some time back the alleged road reserve lands abutting survey No.89 & 91 were proposed to be sold for building shops to be called"Wetherall Bazaar" and petitioner being the closest neighbour submitted applications on 22-7-1913 to the Deputy Commissioner,

Page 30

General

General Assistant Commissioner and Municipal President, as well as the Taluk Amildar and Vice President urging his claims as an adjacent owner, and pointing out the ab-sence of any other passage for him and carts to go to and from the said survey numbers, and the undesirability of introducing strangers on that narrow strip of land, and requesting that the road reserve land, if any, might be given to himself for price. He also produced the rough sketch of the locality and his applications are still pending disposal.

5. That consquently, the then Deputy Commissioner Mr.P.R.T.Wetherall when personally laying the foundation stone ordered that road reserve land abutting petitioner's survey No.39 and Pleader Mr.Subba Rao's No. 91 should be kept in abeyance pending disposal of their claims, and accordingly foundation stone was laid to the southern side of No.91 and sites further to the south were ordered to be sold. Those sites were accordingly sold to present licensees.

6. That petitioner has since been repeatedly submitting petitions, but he has neither heard, nor was he informed of what was being done. On the other hand learning recently that sites to the north of the founda-tion stone abutting survey No.89 & 91 contrary to Mr.P.R.T.Wetherall's orders were being demarcated for the said licensees, and honestly believing that the matter was still in the hands of the General Assistant Commissioner and Municipal President, both petitioner and Mr.Subba Rao preferred petitions to the said Officer, who, on getting the records and discovering that the present Deputy Commissioner had passed a Memorable order dated 24-1-1913, to the prejudice of both of them without hearing them or discussing their claims, re-ferred them both on 28-2-1913 to the Deputy Com-missioner himself to seek redress at his hands by

way

way of a review.

7. That it was then, for the first time, that the petitioner came to know that the present Deputy Com--missioner had passed an exparte kanarese order dated 24-1-1916 to the effect that the sites to the south of the foundation stone originally marked out and given out to licensees for an up-set price should not be given to them, but those to the northern side of the foundation stone (which spot is marked A.B. in the sketch of Amildar Mr.Tirunarnaiengar) i.e. the land which had been expressly kept in advance, in view of petitioner's and Mr.Subba Rao's Takarar, and which abut petitioner's survey No.89 and Mr.Subba Rao's Survey No. 91 should be demarcated and given out to the original licensees of the other set of sites.

8. That the said order was passed behind petitioner's back, without considering his claims, or the previous incidents connected with the case, and setting at naught ~~not~~ the order of his predecessor in Office and the District Boards Resolution etc.

9. That while petitioner was awaiting some copies, Mr.Subba Rao personally saw the Deputy Commissioner, at Hole-Narsipur, who readily gave the land abutting his survey No.91 to himself; and then the licensees began to excavate the land abutting petitioner's survey No.89.

10. That on receipt of such information on the 9th.instant, petitioner hastened with his review petitions to the Deputy Commissioner on 10-4-1916 and 11-4-16. Setting-forth the following grounds, in particular, and praying for the immediate issue of an adinterim order for stoping the work by the licensees, till the disposal of the review applications.

(a) The sale certificate of 20th.January 1903 as well

as

as the sale deed of May 1910, describe the western boundary as the high road.

(b) There is no Government reference to ascertain the actual extent of road reserve land. Amildar Mr.Tiru-marmaiengar gave it once as 7 yards in his memo of 5-8-1913 and 8 yards on 3-1-1914, whereas Sanitary Inspector's sketch of 3-10-1914 prepared under super-vision of Municipal President Mr.S.Gopala Shar, who signed it on 18-10-1914 shows only 10 feet. Hence extent not correctly ascertained at all.

(c) Amildar Mr.Tirumarmaiengar's memo dated 5-8-1[illegible] stating survey No.90 has a road on northern side and petitioner has no land because No.90 was to be taken up for Tahsildar's quarters is wrong, because no road exists for No.90 which is walled in more than 50 years ago, and there is only a big pit and a big "Nirali tree" beside. Site for Tahsildar's quarters is selected far away elsewhere, and never was there even a proposal to my number being taken up for the purpose. Further no other passage exists for petitioner to No.89 and 90.

(d) Hole-Narsipur Municipality's Resolution dated 10-9-1913 to give petitioner some sites was approved by District Board in its meeting held at Hole-Narsipur on 18-12-1913.

(e) On [illegible]-1914 petitioner applied to the Deputy Commissioner, Amildar and Vice President, agreeing to erect buildings as proposed by Municipality and asking for means of passage and for land abutting survey No.89.

(f) On 20-3-1914, Mr.S.M.Apparmaiengar, then General Assistant Commissioner and Municipal President, submitted to the Deputy Commissioner that land abutting survey No.89 should be kept in abeyance and petitioner heard in the matter. The then Deputy Commissioner also seems to have approved of it - neither was the petitioner asked about it nor the information communicated to him in pursuance thereof.

(c)

g) Petitioner learnt of demarcation of such land which had been kept in abyance, in March 1913 and then petitioner General Assistant Commissioner, like Mr.Subba Rao; but was referred to Deputy Commissioner to seek for review.

(h) Mr.Subba Rao offered physical resistance, being a resident at the spot and petitioner's absence must not prejudice him in his rights.

(i) Introduction of strangers, who build shops leads to complications on account of projection eaves, opening of windows, drainage etc..especially, when no provision is made for them as 21 feet given out only includes walls as per Amildar's memo.

(j) Pleaders Messrs.Subba Rao and Garuda Char, formerly encroached and built upon road reserve land paying compensation. This affords standard to ascertain extent, which is not 24feet as now seems to be given.

(k) All previous proceedings are not duly considered nor discussed in the order of 24-1-1916.

(l) It is legal and equitable to give to petitioner the land abutting his survey No.89 just as Mr.Subba Rao is given land abutting his No.91, instead of giving to strangers.

(m) The licensee purchasers who are aware of petitioner's claims were hurrying on with excavation etc. to create complications later on.

(n) Entire records including petitioner's application of 22-7-1913 and subsequent applications and all Proceedings perused, petitioner's statements duly verified on spot on 19th. instant, with the entire records, and justice done to petitioner.

11. That petitioner's petitions, which were to have been disposed of by Deputy Commissioner himself as they related to a review of his own order were by him somehow referred to the General Assistant Commissioner and Municipal President for disposal, who had already passed orders

on

on 20-3-1913 to the effect that he could not sit in judg-
-ment upon the order of the Deputy Commissioner dated
24-1-1916.

12. That the General Assistant Commissioner on receiving those petitions with Deputy Commissioner's afore-
-said orders on 17-4-1913, told the petitioner personally in Court that he could not dispose of those petitions as he had already passed his orders.

13. That thereupon, on the next following day (17-4-1913) petitioner again applied to the Deputy Com-
-missioner mentioning the fate of his applications at the hands of the General Assistant Commissioner, but no orders were passed by him.

14. That consequently, petitioner submitted applications by telegraph to Deputy Commissioner on 14-4-1916 praying for issue of adinterim stay order.

15. That petitioner also submitted his grievances to your Hon'ble by mail the same day, as the licen-
-sees are said to be running through the work.

The petitioner humbly begs leave to submit that by mistake in his telegram the expression "Western side" has crept in for the expression "Southern side".

The petitioner therefore respectfully prays:-

(1) That the spot may be kindly inspected.

(2) The entire records caused to be made readily available at Hole-Narsipur on the 19th. instant.

(3) Humble petitioner's grievances personally heard at Hole-Narsipur, and

(4) Justice done to him.

The petitioner further begs to pray that necessary orders may be kindly caused to be issued to stop further progress of the work by the licensees till the spot is personally inspected.

15th April 1916
Hassan

M. S. Honnaganiah

DEWAN'S OFFICE.
Date of Receipt 18.5.16
Petn. Regr. No 8857

104

Before :-

Sir M.Visvesvaraya Esq.B.A.,C.C.E.,K.C.I.E.,
Dewan of Mysore.

Petitioner.-

M.S.Hiriyanniah,
1st. Grade Pleader,
Hassan.

The petitioner above named most humbly and res-
-pectfully begs to submit :-

1. That in connection with his telegram dated 14th. April 1916, his petition submitted by post the next day, and his oral representation on the 20th.Instant at Hole-
-Narsipur, he begs to submit his first contention is about the width of the road margin in question.

2. That his land No.89 is garden land, and according to the Government Notification of 19th.July 1882, paragraph 7, the width could be only 10 feet from the adjoining road, and not more. It is significant that the District Board also in its resolution of the 13th.December 1913, printed at page 347 of Part II, of Mysore Gazette dated 19th. February 1914 only mentioned the length of 66 feet and conspicuously omitted to mention the width. The authori-
-ties have now marked out nearly 33 feet from the road, thus encroaching upon petitioner's garden land which has been in possession of himself and his prede-
-cessors in title for more than 30 years, to the extent of about 23 feet without mentioning any data to arrive at a figure of more than 10 feet width.

3.

D 1748

GEN. & PETN.
2 DEC 1916

The Government of His Highness the Maharaja of Mysore, Bangalore.

Petitioner,

M.S.Hiriyanniah,
First Grade Pleader,
Hassan.

The petitioner above named most humbly and respectively begs to submit :-

(1) That with rererence to his petitions dated the 15 th. and 22nd. of April 1916, addressed to His Excel-lency the Dewan of Mysore, complaining of the Exparte Order passed by the then Deputy Commissioner Mr.C. Venkata Rao, regarding the disposal of Road Reserve land abutting his garden land Survey No.89, situated at Hole-Narsipur. He was favoured with an endorsement to the effect that a report was called for in the matter from the Deputy Commissioner of the Hassan District.

(2) That petitioner who has never been given an opportunity of explaining his case in person, again petitioned the Deputy Commissioner, inviting his kind attention to the Notifications of the Government printed at pages 221 and 222 of the old Mysore Revenue Manual, according to which, in garden lands already surveyed, 10 feet had to be taken for Road Reserve land and in lands yet unsurveyed, the boundary had to

be

previous petitions and the naration of facts contained therein are fully supported by the records. He prays for a date being kindly fixed to hear him in the matter.

M. S. Hanyamiah
First Grade Pleader
Kassan

1st December 1916
Kassan

D 1673/LB 8-15-56

No. C 1855

FROM

OFFICE OF THE REVENUE COMMISSIONER IN MYSORE,

Bangalore, 22 November 1916.

DIARY No. 3024

K. Doraswami Iyer Esquire,

Revenue Commissioner in Mysore.

To

The Secretary to the Government of
His Highness the Maharaja of My...,
Revenue *Department.*

SIR

I have the honor to forward herewith letter No. Ar.c.59/s dated the 8th instant to your address from the Deputy Commissioner Hassan District submitting the report called for in your official memorandum No.3800/ L.B. 8-15-39 dated the 2nd June 1916 on the complaint of Mr. M.S. Hirianniah 1st grade Pleader Hassan about the disposal of S.No. 91 of Hole - Narsipur

2. The enclosures to his letter are also forwarded herewith.

I have the honor to be,

Sir,

Your most obedient servant,

M. Krishnaswamy Rao

Assistant Commissioner,
For Revenue Commissioner,
Absent on casual leave.

V.M.R.

M E M O

As the surroundings of the King George Coronation Hall, which was built by the people, at a cost of several thousands of rupees, were very squalid in appearance, the Municipal Council of Hole-Narsipur Town resolved that the vacant land to the East of the building over the way should be given out for the construction of shops on condition that their architecture matched that of the Town Hall. Accordingly, a plan was prepared and on the 10 th. August 1913, the Municipal Council resolved that the land should be divided into plots measuring 21 by 12 feet and disposed of at the upset price of Rs.1/- per Sq, Yard; that the purchasers should build shops within 6 months from the date of the disposal of the sites; that Mr.Hiriyannaiya may be given, as a special case, three sites to be chosen by him abutting his survey number 89 on condition he constructed a building in a line with Mr.Subba Row's house and that the frontage matched the neighbouring shops; that if he built a bungalow in survey No.89, he should be given only one site for passage; that Mr.Hiriyannaiya should create the building within 6 months, failing which, he should be prepared to forfeit the purchase money and hand back the sites to the Municipality; that should Mr.Hiriyannaiya fail to obtain permission of the Deputy Commissioner to build a bungalow on survey No. 89, he should not be given any site or sites and that the Municipal Council was at liberty to dispose of the sites as they liked.

2. Mr.Hiriyannaiah did not obtain sanction of the Deputy Commissioner to build a bungalow within the stipulated period of six months. The Municipal Council then seemed to have changed their minds with regard to the concession which they proposed to give to him and resolved on the 10 th. October 1914 that the site should be disposed of on the prin-

-ciple

road reserve at the junction of Hassan-Yelwal and Hole-Narsi-pur-Arkalgud roads which abuts his land will remain unbuilt upon. The 3rd.contention of Mr.Hiriyannaiya that the road has no reserve is equally untenable, he himself having in his petition dated 24 th. July 1913 applied for permission to build upon the road reserve in question. As to the dimension of the sites now disposed of, it may be stated that the fields and the road were measured and their areas ascertained by a measurer of the Survey Department before the road reserve was disposed of. Mr.Hiriyannaiya's next contention that the sites should be given to him is clearly untenable, the Deputy Commissioner not being bound by the resolutions of the Municipal Council which that body itself has modified, not actually annulled.

6. The Deputy Commissioner having passed a final order after a careful consideration of the claims of all persons and on personal inspection of the spot, he was not bound under Rule 16 of the Petition Rules to take notice of the subsequent petitions of Mr.Hiriyannaiya. They were accordingly sent to the Sub-Division Officer, Channaraipatna, for disposal i.e. for being filed .

7. It is learnt that the quarters for the Munsiff will be built on survey No.89.

----------(Signed). C.Venkata Rao
Offg Dy Commissioner

"COPY"

Deputy Commissioner,
Hassan District.

Immediate

G. R. S. 34] GPB—5,000—9-7-14

No. 4727 LB 8-1558

GOVERNMENT OF H. H. THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

( )

Office Memorandum.

To

Issued

Hegde B. Ramaswamaiya

The 24. 1. 191 /

Mr. M. S. Hiriyanniah,

1st Grade Pleader, Hassan.

With reference to his appeal petitions dated 15th, and 22nd April 1916, and 1st December 1916, requesting that he may be given a hearing on the subject of the disposal of sites adjoining his S.No.89 in the Holenarsipur town, Mr. M. S. Hiriyanniah is informed that the hearing of his appeal is posted for Friday, 2nd February 1917. He is therefore requested to be present at the General and Revenue Secretariat, Bangalore, at 11. A.M. on that day.

By order,

Draft 24.1.17.

Offg. Secretary to Government,

Revenue Department.

MRN. 2.

Disposal of the margin of Hassan Yelwal road in Hole Narasipur town for building purpose

File No. 8/15

Serial No.

G.R.S. 28]

Diary No. of letter replied to 1673

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

Papers the —191 —

Date of issue 21.6.17.

Signed by

this be

printed?

treated as a standing order?

published in the Gazette English part?

translated?

placed at the disposal of the Press?

published in the Gazette Kannada part?

READ—

Petitions dated 15th & 22nd April 1916 and 1st December 1916 from Mr. M.S. Hiriyanniah First grade pleader Hassan

~~ORDER THEREON.—No~~ Complaining abr the orders of the President of the District Board of Hassan in the matter of the allotmen of sites for building Shops in t margin of Hassan-Yelwal road opposite the town hall in Holenara Tow

SUBJECT.

GPB—50,000—1-12-12

2) Letter No.C.1855 dated the
22nd November 1916 from the
Revenue Commissioner in Mysore
forwarding the Hassan Deputy
Commissioner's report on the
petitions of Mr. Hiriyamiah
in the matter of the disposal
of the road margin adjoining
his ~~land~~ garden land in Holenarasipur.

(3) Read the Pets.

Order. 7977/LB&15-57 Dated 17.

With a view to keep the
Surroundings of the King George
Coronation Hall in a tidy condition
the municipal Council of Hole-Narasipur
resolved at their meeting held
on the 10th August 1913 that-
the Vacant land to the east
of the building over the Hassan-Yedatore road
be divided into sites and sold
to private persons at the upset price
of Re 1 per square yard for building
~~lease~~ shops.

~~The question of the disposal of the~~
~~Vacant land having~~

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

G

(2) The matter having come up before the District Board of Hassan on the 13th Dec 1913 they resolved that the land in question may be disposed of as suggested by the Municipal council but that the sale proceeds of the sites should be credited to District Funds on the ground that formerly the land forming the road margin of Hassan-Ydwal road was vested in them. Accordingly the land was divided into sites and Mr Wetherall the late Deputy Commr & President ordered on the 16th December 1914 that the sites may be given to six applicants who had already deposited their value of Rs 5/- each at the rate of 1 rupee a Sq yd however The purchasers were not put in possession of the sites

H

thereof and as they
~~the purchasers~~ were pressing
for ~~being put in possession of the~~ the same site
Mr C Venkata Rao ~~Asst~~ Dy Commr, President D.C.A.T
personally inspected the locality
on the 20th January 1916 and
ordered that the road margin
abutting survey no 91 be ~~sold~~ set
reserved to meet future requirements
and that
~~Whole~~ the six sites abutting
Survey no 89 (Hiri Jamanya Garden)
be allotted to the original purchasers.
It is against this order that the
Petitioner has appealed to Govt.
Govt observe that the procedure
followed in this case is ab initio ultra vires
as neither the municipal Council
nor the District Board have a right
to dispose of the road margin which
being reserved land is clearly
at the disposal of Govt and not vested
in the local bodies. The first they therefore direct
that the whole proceedings be cancelled.
The Deputy Commr is requested
to obtain from the municipal Council

Memorandum sent to the Secretary in the Revenue Department had to be altered to read "Land in Survey No. 91 be reserved for future requirements and that the six sites abutting Survey No. 89 (Hiri Jamanya Garden) be allotted to the original purchasers" - corrected papers with funds

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

proposals for the disposal of sites after taking into account the petitioners Complaints and Submit the same for the orders of Govt together with reasons justifying the Construction ~~erection~~ of buildings in close proximity of the Town Hall

W/ 15.2.

W/ 16/2/17.

Offg Secretary W/o

W/ 14/2/17 Rev Deptt

To

The Dy Comm Haroon

It with a file of Vern papers

K.J.